

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.13-20453

JOHN S. BENCHICK,

Defendant.

**ORDER GRANTING MOTION TO WITHDRAW, ADJOURNING TRIAL, AND SETTING
STATUS CONFERENCE**

On July 8, 2015, Attorney John Freeman, retained counsel for Defendant John S. Benchick, filed a motion to withdraw as counsel. In his motion, he indicated that there had been a complete and irrevocable breakdown in the communications between he and his client, and that Defendant had specifically terminated Mr. Freeman's representation. The court held a status conference, on the record, on July 10, 2015, and discussed the situation with counsel for both parties. Defendant personally participated by telephone. The court then, by agreement, commenced an ex parte dialog with Mr. Freeman and Defendant. After allowing Defendant an opportunity to explain his view of the situation, the court agreed that there was indeed a conflict of some substance between Defendant and Mr. Freeman and that a continuation of the relationship between the two would only increase the contention and would substantially affect Mr. Freeman's ability to provide an adequate defense to his client. For these reasons, as further articulated on the record, the court granted the motion to withdraw.

In view of this, the court adjourned the trial without date. Defendant has already been in touch with an attorney who he hopes he will retain to take over his defense. The court will conduct a status conference in a few weeks to determine a schedule for trial. The court anticipates a reasonable adjournment to allow new counsel to review the file and prepare for trial. In the meantime, until Defendant requests appointment of counsel or retains a new attorney, he will be deemed to represent himself, as further explained to him on the record. Additionally, as the delay in this case is directly associated with time needed for Defendant to secure new counsel, the court finds that the ends of justice served by this delay outweigh the public's and Defendant's interests in a speedy trial. Accordingly,

IT IS ORDERED that Mr. Freeman's Motion to Withdraw [Dkt. # 50] is GRANTED. The court will conduct a status conference on **August 6, 2015 at 9:00 am**, in Detroit, Michigan. If new counsel is retained prior to that date, the conference will be for attorneys only. If no appearance has been filed, Defendant may participate by telephone.

IT IS FURTHER ORDERED that the time period from July 8, 2015 until August 6, 2015, is EXCLUDED for Defendant from the time calculation mandated by the Speedy Trial Act. See 18 U.S.C. § 3161(h)(7)(A) & 18 U.S.C. § 3161(h)(7)(B)(iv).

s/ Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: July 17, 2015

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, July 17, 2015, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522